

DELTA PROTECTION COMMISSION

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To: Delta Protection Commission
From: Margit Aramburu, Executive Director
Subject: Status of Local Government Submittals

Background:

The Commission adopted the Land Use and Resource Management Plan for the Primary Zone of the Delta on February 23, 1995.

The Delta Protection Act (Act) states that within 180 days of the adoption of the regional plan, all local governments shall submit to the Commission proposed amendments which will cause their general plans to be consistent with the criteria in Section 29763.5 with respect to land located within the primary zone. The 180th day was August 22, 1995.

The Act states the Commission shall act on proposed general plan amendments within 60 days of submittal (Section 29763.5). The Commission shall approve by a majority vote of the Commission membership, proposed general plan amendments of a local government, as to land located within the Primary Zone, only after making all of the following written findings:

- a. The general plan, and any development approved or proposed that is consistent with the plan, are consistent with the regional plan [Land Use and Resource Management Plan for the Primary Zone of the Delta].
- b. The general plan, and any development approved or proposed that is consistent with the plan, will not result in wetland or riparian loss.
- c. The general plan, and development approved or proposed that is consistent with the plan, will not result in the degradation of water quality.
- d. The general plan, and any development approved or proposed that is consistent with the plan, will not result in increased nonpoint source pollution.

- e. The general plan, and any development approved or proposed that is consistent with the plan, will not result in the degradation or reduction of Pacific Flyway habitat.
- f. The general plan, and any development approved or proposed that is consistent with the plan, will not result in reduced public access, provided the access does not infringe on private property rights.
- g. The general plan, and any development approved or proposed that is consistent with the plan, will not expose the public to increased flood hazard.
- h. The general plan, and any development approved or proposed that is consistent with the plan, will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.
- i. The general plan, and any development approved or proposed that is consistent with the plan, will not result in the degradation or impairment of levee integrity.
- j. The general plan, and any development approved or proposed that is consistent with the plan, will not adversely impact navigation.
- k. The general plan, and any development approved or proposed that is consistent with the plan, will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

Status of Local Government Submittals:

Cities: Three cities have portions of the city within the Primary Zone:

City of Pittsburg: The City submitted a letter dated January 17, 1995, stating Brown's Island is within the Primary Zone, stating the General Plan designation as "unique natural resource" and stating the land is publicly owned.

City of Stockton: The City of Stockton deputy director of community development has submitted a letter indicating the current designation of the wastewater treatment plan's oxidation ponds on Roberts Island. The City also indicates that the City will pursue deletion of all City lands from the Primary Zone.

City of Rio Vista: The City of Rio Vista has indicated it will shortly submit a letter outlining the existing general plan and zoning designations for the lands within the Primary Zone. The lands include the site of a proposed sewage treatment plant which is "grandfathered" in the Plan.

Counties: Five counties have portions of the county within the Primary Zone. Each county has proposed a different approach in its submittal:

Solano County: Solano County planning department has submitted a staff report which indicates the County will adopt amendments to the Resource Conservation and Open Space element, to be entitled "Sacramento-San Joaquin Delta", including new text and policies. Minor amendments to other General Plan policies are also proposed. The staff report also summarizes the policies of the Delta Plan and the corresponding existing or proposed County General Plan policy.

San Joaquin County: San Joaquin County planning department has submitted a staff report which evaluates the consistency between the Commission's Delta Plan and the County general plan. The staff report proposes the addition of three policies to the County General Plan.

Contra Costa County: Contra Costa County planning director has submitted a staff report indicating General Plan consistency with the Delta Plan. The submittal includes: a proposed General Plan Amendment; details establishing the County's General Plan consistency with the Delta Plan; and maps illustrating County land use, the adopted urban limit line, and the Primary Zone of the Delta. The proposed General Plan amendment would require consistency with and consultation of the Delta Plan before land use decisions are made. The submittal was reviewed by a committee of the Board of Supervisors.

Yolo County: On August 15, 1995, the Yolo County Board of Supervisors adopted a Draft General Plan Amendment which integrates the Delta Plan, in its entirety, into the Yolo County General Plan. The Board will take final action upon approval by the Delta Protection Commission.

Sacramento County: Sacramento County planning director has submitted a letter indicating that there is only one policy of the County's general plan in conflict with the Delta Plan. That policy is Infrastructure and Utilities Policy P-3, which is currently the subject of a lawsuit. The County suggests it will wait until the lawsuit is resolved before addressing that policy.

Proposed Action:

Staff proposes to bring the submittals to the Commission at the next two meetings: September 28, 1995 and October 26, 1995. Each submittal will be analyzed in light of the required written findings and a staff recommendation prepared.